

ARTICLES

O F

Peace, Commerce, & Alliance,

Between the CROWNS

O F

Great Britain

AND

SPAIN.

CONCLUDED

In a Treaty at MADRID the
¹³/₂₃ day of May, in the Year of our
LORD GOD, 1667.

Translated out of Latin.

Published by His Majesties Command.

In the SAVOR,
Printed by the Assigns of *John Bill* and *Christopher
Barker*, Printers to the Kings most Excellent
Majesty. 1667.

Wing C2910

2011

TO

COMM. ON GOVERNMENT

INVESTIGATION

NO

2011

2011

2011

2011

2011

2011

2011

2011

2011

2011

2011



Articles of Peace, Commerce, and Alliance, between the Crowns of Great Britain and Spain.

I.

First, *It is Agreed and Concluded,* That from this day forward there shall be between the two Crowns of *Great Britain* and *Spain*, a General, Good, Sincere, True, Firm and Perfect Amity, Confederation and Peace, which shall endure for ever, and be observed inviolably, as well by Land, as by Sea and Fresh-waters; and also between the Lands, Countries, Kingdoms, Dominions and Territories, belonging unto, or under the obedience of either of them; And that their Subjects, People, and Inhabitants respectively, of what condition, degree or quality soever, from

henceforth reciprocally, shall help, assist, and shew to one another all manner of Love, good Offices, and Friendship.

II.

That neither of the said Kings, nor their respective People, Subjects or Inhabitants within their Dominions, upon any pretence, may in publick or secret, do, or procure to be done, any thing against the other, in any Place, by Sea or by Land, nor in the Ports or Rivers of the one or the other, but shall treat one another with all Love and Friendship; and may by Water and by Land, freely and securely pass into the Confines, Countries, Lands, Kingdoms, Islands, Dominions, Cities, Towns, Villages, wall'd or without wall, fortified or unfortified, their Havens and Ports (where hitherto Trade and Commerce hath been accustomed) and there trade, buy and sell, as well of and to the Inhabitants of the respective Places, as those of their own Nation, or any other Nation that shall be or come there.

III.

That the said Kings of *Great Britain* and *Spain*, shall take care that their respective People and Subjects from henceforward do abstain from all Force, Violence or Wrong; and if any injury shall be done by either of the said Kings, or by the People or Subjects of either of them, to the People or Subjects of the other, against the Articles of this Alliance, or against common

common Right, there shall not therefore be given Letters of Reprisal, Marque, or Counter-marque by any of the Confederates, until such time as justice is sought and followed in the ordinary course of Law: But if justice be denied or delayed, then the King whose People or Inhabitants have received harm, shall ask it of the other, by whom (as is said) the justice shall have been denied or delayed, or of the Commissioners that shall be by the one King or the other appointed to receive and hear such Demands, to the end that all such differences may be compounded in friendship, or according to Law. But if there should yet be a delay, or justice should not be done, nor satisfaction given within six months after having the same so demanded, then may be given Letters of Reprisal, Marque or Counter-marque.

IV.

That between the King of *Great Britain*, and the King of *Spain*, and their respective People, Subjects and Inhabitants, as well upon Sea as upon Land and Fresh-water, in all and every their Kingdoms, Lands, Countries, Dominions, Confines, Territories, Provinces, Islands, Plantations, Cities, Villages, Towns, Ports, Rivers, Creeks, Bayes, Streights and Currents, where hitherto Trade and Commerce hath been accustomed, there shall be free Trade and Commerce, in such way and manner, that without safe Conduct, and without general or particular Licence, the People and Subjects of each other may freely, as well by Land as by Sea and Fresh-water, Navigate and go into their

Gill

said Countries, Kingdoms, Dominions, and all the Cities, Ports, Currents, Bayes, Districts, and other places thereof, and may enter into any Port with their Ships laden or empty, Carriage or Carriages wherein to bring their Merchandise, and there buy and sell what and how much they please, and also at just and reasonable rates provide themselves with provisions and other necessary things for their subsistence and voyage; and also may repair their Ships and carriages, and from thence again freely depart with their Ships, Carriages, Goods, Merchandise and Estate, and return to their own Countries, or to such other Place as they shall think fit, without any Molestation or Impediment, so that they pay the Duties and Customs which shall be due, and saving to either side the Laws and Ordinances of their Country.

V.

Item, It is likewise agreed, That for the Merchandises which the Subjects of the King of *Great Britain* shall buy in *Spain*, or other the Kingdoms or Dominions of the King of *Spain*, and shall carry in their own Ships, or in Ships hired or lent unto them, no new Customs, Toll, Tenths, Subsidies, or other Rights or Duties whatsoever shall be taken or encreased, other then those which in the like case the Natives themselves, and all other strangers are obliged to pay; and the Subjects aforesaid buying, selling and contracting for their Merchandises, as well in respect of the Prices, as of all Duties to be paid, shall enjoy the same privileges which are allowed to the natural Subjects of *Spain*;

Spain; and may buy, and lade their Ships with such Goods and Merchandises; which said Ships being laden, and Customs paid for the Goods, shall not be detained in Port upon any pretence whatsoever; nor shall the Laders, Merchants, or Factors who bought and loaded the Goods aforesaid be questioned after the departure of the said Ships, for any matter or thing whatsoever concerning the same.

VI.

And to the end that the Officers and Ministers of all Cities, Towns and Villages belonging to either, may neither demand nor take from the respective Merchants and People, greater Taxes, Duties, Stipends, Recompences, Gifts, or any other charges, then what ought to be taken by vertue of this Treaty; and that the said Merchants and People may know and understand with certainty what is ordained in all things touching this; It is agreed and concluded, That Tables and Lists shall be put up at the Doors of the Custom-houses and Registries of all the Cities, Villages and Towns of, or appertaining to one or the other King where such Rights and Excises or Customs are usually paid; in which, how much, and of what quality such Rights, Customs, Subsidies and Payments, either to the Kings or any the aforesaid Officers are allowed, shall be put down in writing, declaring aswell the species of what is imported, as what is carried out. And if any Officer, or any other in his name, upon any pretence whatsoever, in publick or secret, directly or indirectly, shall ask or receive of any Merchant or other person

person respectively, any sum of money or other thing, by the name of Right, Due, Stipend, Allowance, or Recompence (though it be by the way of voluntary Donative) more or otherwise then aforesaid, the said Officer or his Deputy being in such manner guilty and convict before a competent Judge in the Country where the Crime is committed, shall be put in Prison for three months, and shall pay thrice the value of the thing so received; of which the half shall be for the King of the Country where the Crime is committed, and the other half for the Denunciator, for the which he may sue his Right before any competent Judge of the Country where it shall happen.

VII.

That it shall be lawful for the Subjects of the King of *Great Britain*, to bring out, and carry into *Spain*, and all or any Lands and Dominions of the King of *Spain* (where heretofore they have used Trade and Commerce) and trade there with all kind of Merchandise, Cloaths, Manufactures, and things of the Kingdom of *Great Britain*, and the Manufactures, Goods, Fruits, and kinds of the Islands, Towns and Plantations to him appertaining, and what shall have been bought by English Factors on this side, or farther on the other side of the Cape of *Buena Esperanca*, without being inforced to declare to whom, or for what price they sell their said Merchandise and Provisions, or being molested for the errors of the Masters of the Ships, or others, in the entry of the Goods; and at their pleasure to return again, out of the Dominions

nions of the King of *Spain*, with all, or any Goods, Estates and Merchandise, to any of the Territories, Islands, Dominions and Countries of the King of *England*, or to any other Place, paying the Rights and Tributes mentioned in the antecedent Chapters; and the rest of all their lading which is not brought to Land, they may detain, keep and carry away in their said Ship or Ships, Vessel or Vessels again, without paying any Right or Imposition whatsoever for it, as if therewith they had never been within any Bay or Port of the Catholique King. And all the Goods, Estates, Merchandise, Ships or other Vessels, with any things introduced into the Dominions or Places of the Crown of *Great Britain* as Prizes, and judged for such in the said Dominions and Places, shall be taken for Goods and Merchandise of *Great Britain*, comprehended so by the intention of this Article.

VIII.

That the Subjects and Vassals of the Most Serene King of *Great Britain* may bring and carry to all and singular the Dominions of the King of *Spain*, any Fruits and Commodities of the *East-Indies*, it appearing by testimony of the Deputies of the *East-Indy* Company in *London*, that they are of, or have come from the *English* Conquests, Plantations or Factories, with like priviledge, and according to what is allowed to the Subjects of the United Provinces, by the Royal *Cedulas* of *Contravando* bearing date the 27. of *June*, and the 3. of *July* 1663. and published on the 30. of *June*, and 4. of *July* the same year. And for what may

B

con-

concern both the *Indies*, and any other Parts whatsoever, the Crown of *Spain* doth grant to the King of *Great Britain* and his Subjects, all that is granted to the United States of the Low-Countreys and their Subjects, in their Treaty of *Munster* 1648. Point for Point, in as full and ample manner as if the same were herein particularly inserted, the same Rules being to be observed whereunto the Subjects of the said United States are obliged, and mutual Offices of Friendship to be performed from one side to the other.

IX.

That the Subjects of the King of *Great Britain*, trading, buying and selling in any of the Kingdoms, Governments, Islands, Ports or Territories of the said King of *Spain*, shall have, use, and enjoy all the Privileges and Immunities, which the said King hath granted and confirmed to the *English* Merchants that reside in *Andaluzia*, by his Royal *Cedulas* or Orders, dated the 19. day of *March*, the 26. day of *June*, and the 9. day of *November* 1645. His Catholique Majesty by these presents reconfirming the same as a part of this Treaty between the two Crowns. And to the end that it be manifest to all, It is consented, That the said Schedules (as to the whole substance thereof) be passed and transferred to the body of the present Articles, in the name and favour of all and singular the Subjects of the King of *Great Britain*, residing and trading in any Places whatsoever within his Catholique Majesties Dominions.

X. That

X.

That the Ships, or any other Vessels that shall belong to the King of *Great Britain* or his Subjects, Navigating into the King of *Spain's* Dominions, or any of his Ports, shall not be visited by the Judges of Counterband, or by any other Officer or Person, by his own, or by any other Authority; nor shall any Souldiers, armed men or other Officers or Persons, be put on board any of the said Ships or Vessels; nor shall the Officers of the Custom-house of the one or the other Party, search in any Vessels or Ships belonging to the People of the one or the other, which shall enter into their Regions, Dominions, or respective Ports, until their said Ships or Vessels are unladen, or until they have carried on shore all the Lading and Merchandise which they declare they resolve to disembarque in the said Port; nor shall the Captain, Master, or any other of the Company of the said Ships be imprisoned, or they or their Boats detained on shore; but in the interim, Officers of the Custom-house may be put on board the said Vessels or Ships, so they exceed not the number of three for each Ship, to see that no Goods or Merchandise be landed out of the said Ships or Vessels, without paying such Duties as by these Articles either Party is obliged to pay, which said Officers are to be without any charge to the Ship or Ships, Vessel or Vessels, their Commanders, Mariners, Company, Merchants, Factors, or Proprietors. And when it happens that the Master or Owner

of any Ship shall declare that the whole Lading of his said Ship is to be discharged in any Port, the Entry of the said Lading shall be made in the Custom-house, after the usual manner; and if after the Entry made, any other Goods be found in the said Ship or Ships, more then what are contained in the said Entry, eight working dayes shall be allowed them on which they may work (which shall be reckoned from the day they began to unlade) to the end, that the concealed Goods may be entred, and the Confiscation of them prevented: And in case that in the time limited, the Entry or Manifestation of them shall not have been made, then such particular Goods only, which shall be found as aforesaid, though the unlading be not finished, shall be confiscated, and not any other; nor shall other trouble be given, or punishment inflicted on the Merchant or Owner of the Ship; and when the Ships or Vessels are reladen, they may have freedom to go out again.

XI.

That the Ship or Ships appertaining to the one or the other King, or to their respective People and Subjects, that shall enter into any Ports, Lands or Dominions of the one or the other, and shall discharge any part of their Goods and Merchandises in any Port or Haven, being consigned with the rest to other Places, within or without the said Dominions, shall not be obliged to register or pay the Rights of any other Goods or Merchandise, then of that which they shall
unlade

unlade in the said Port or Haven, nor be constrained to give Bond for the Goods they shall carry to other Places, nor any other security, if it be not in case of Felony, Debt, Treason, or other capital Crime.

XII.

Whereas the one moiety of the Custom of all Foreign Goods and Merchandise imported into *England*, is allowed and returned back to the Importer, if the said Goods be exported out of the said Kingdom within twelve moneths after their first Landing, upon Oath made that they are the same Goods which paid Custom inwards, and that if they be not re-shipt within the said twelve months, yet they may at all times be exported without paying any Custom or Duty outwards: It is therefore agreed, That if any the Subjects of the King of *Great Britain* shall hereafter Land any Goods or Merchandise, of what growth or nature soever they be, in any of the Ports of his Catholique Majesty, and having entred them, and paid the Custom which by this Treary ought to be paid, and shall afterwards desire to transport them, or any part of them, to any other Place whatsoever, for a better Market, it shall and may be lawful for him or them so to do freely, without paying or being demanded any other Custom or Duty at all for the same, he or they making Oath, if required thereunto, that they are the same Goods for which Custom was paid at their Landing; And in case that the Subjects, People and Inhabitants of the Dominions of either part shall unlade, or have in any City, Town or Village respectively,
any

any Goods, Merchandises, Fruits or Estates, and have paid the Customs due, according to what hath been declared, and after that, not being able to put them off, shall resolve to remit them to some other City, Town or Village of the said Dominions, they may not only do it without difficulty or impediment, and without paying other Rights then what were due at their Entry, but likewise the Custom or Rights shall not be paid again in any other part of the said Dominions, bringing Certificates from the Officers of the Custom-house, that they were paid before in the due form. And the chief Farmers and Commissioners of the King of *Spain's* Rents in all Places, or some other Officer or Officers to be appointed for that purpose, shall at all times permit and suffer the Transportation of all such Goods and Merchandises from place to place, and give sufficient certificate to the Owners thereof, or their Assignes, of their having paid their Custom at their first Landing, whereby they may be carried to, and Landed at any other Port or Place of the said Jurisdiction, free from all Duties or Impediments whatsoever, as aforesaid, saving always the Right of any third Person.

XIII.

That it shall be lawful for the Ships belonging to the Subjects of the one or other King, to anchor in the Roads or Bays of either, without being constrained to enter into Port; and in case they be necessitated to enter thereinto, either by distress of weather, fear of enemies, Pirates, or any other accident, in case
the

the said Ships be not bound to an Enemies Port, and carrying thither Contraband Goods (whereof without some clear proof, they shall not be questioned) it shall be lawful for the said Subjects, to return to Sea freely when they please, with their Ships and Goods, so as they do not break bulk, or expose any thing to sale; and that when they cast anchor, or enter the Ports aforesaid, they be not molested or visited; and it shall suffice that in this case they shew their Passports or Sea-papers, which being seen by the respective Officers of either King, the said Ships shall return freely to Sea without any molestation.

XIV.

And if any Ship or Ships belonging to the Subjects and Merchants of the one or the other, entring into Bayes, or in the open Sea, shall be encountred by the Ships of the said Kings, or of Privateers their Subjects; the said Ships, to prevent all disorders, shall not come within Canon-shot, but shall send their Long-Boat or Pinnace to the Merchant-Ship, and only two or three men on board, to whom the Master or Owner shall shew his Passports and Sea-Letters, according to the form which shall be inserted at the end of this Treaty, whereby not only the Ships Lading, but the place to which she belongs, and as well the Master and Owners name, as the name of the Ship may appear; by which means the quality of the Ship, and her Master or Owner will be sufficiently known, as also the Commodities she carries, whether they be Contraband, or not; to the which Passports and Sea-Letters, in-
tire

the faith and credit shall be given, so much the rather, for that as well on the part of the King of *England*, as of the King of *Spain*, some Counter-signes shall be given (if it shall be found necessary) whereby their authenticalness may the better appear, and that they may not be in any wise falsified.

XV.

If any prohibited Merchandise or Goods shall be exported from the Kingdoms, Dominions and Territories of either of the said Kings, by the respective People or Subjects of the one or the other, in such case the prohibited Goods shall be only confiscated, and not the other Goods; neither shall the Delinquent incur any other punishment, except the said Delinquent shall carry out from the respective Kingdoms or Dominions of the King of *Great Britain*, the proper Coin, Wooll, or Fullers-earth of the said Kingdoms, or shall carry out of the respective Kingdoms or Dominions of the said King of *Spain*, any Gold or Silver, wrought or unwrought; in either of which cases, the Laws of the respective Countreys are to take place.

XVI.

That it shall be lawful for the People and Subjects of both Kings, to have access to the respective Ports of the one and the other, and there remain, and depart again with the same freedom, not only with their Ships, and other Vessels for Trade and Commerce,
but

but also with their other Ships fitted for War, armed, and disposed to resist and engage the Enemy, and arriving by stress of weather to repair their Ships, or furnish themselves with Provisions; so that entering willingly, they be not so numerous, that they give just occasion of suspicion, to which end they are not to exceed the number of Eight, nor continue in their Havens, nor about their Ports, longer time then they shall have just cause, for the repair of their Ships, to take in Provisions or other necessary things, much less be the occasion of interrupting the free Commerce, and coming in of other Ships, of Nations in Amity with either King; and when an unusual number of Men of War, by accident shall come unto any Port, it shall not be lawful for them to come into the said Ports or Havens, not having first obtained permission of the King unto whom the said Ports do belong, or the Governours of the said Ports, if they be not forced thereinto by stress of weather or other necessity, to avoid the danger of the Sea, and in such case they shall presently acquaint the Governour or chief Magistrate of the Place with the cause of their coming; nor shall they remain there any longer time then the said Governour or Magistrate shall think convenient, or do any act of Hostility in such Ports, that may prove of prejudice to the one or the other of the said Kings.

XVII.

That neither the said King of *Great Britain*, nor the King of *Spain*, by any Mandate general, nor particular, nor for any cause whatsoever, shall Embarque or detain, hinder or take for his respective service, any Merchant, Master of a Ship, Pilot or Mariner, their Ships, Merchandise, Cloaths or other Goods belonging unto the one or the other, in their Ports or Waters, if it be not that either of the said Kings, or the Persons to whom the Ships belong, be first advertised thereof, and do agree thereunto; Provided that this shall not be construed to hinder or interrupt the ordinary course of Justice and Law in either Country.

XVIII.

That the Merchants and Subjects of the one and the other King, their Factors and Servants, as also their Ships, Masters and Mariners, may as well going as coming, upon Sea and other Waters, as in the Havens and Ports of the one and the other respectively, carry and use all kind of Arms, Defensive and Offensive, without being obliged to register them, as also upon Land to carry and use them for their defence, according to the custom of the Place.

XIX.

That the Captains, Officers and Mariners of the Ships belonging to the People and Subjects of either
bring

Party, may not commence an Action, nor hinder or bring trouble upon their own Ships, their Captains, Officers or Mariners in the respective Kingdoms, Dominions, Lands, Countries or Places of the other, for their Wages or Salaries, or under any other pretence. Nor may they put themselves, or be received, by what pretext or colour soever, into the Service or Protection of the King of *England*, or King of *Spain*, or their Arms; but if any controversie happen between Merchants and Masters of Ships, or between Masters and Mariners, the composing thereof shall be left to the Consul of the Nation, but after such manner, as he who shall not submit to the Arbitrement, may appeal to the ordinary Justice of the Place where he is subject.

XX.

And to the end that all Impediments be taken away, and that the Merchants and Adventurers of the Kingdoms of *Great Britain* be permitted to return to *Brabant*, *Flanders*, and other the Provinces of the Low-Countries, under the Jurisdiction of the King of *Spain*, Forasmuch as it hath been thought convenient, that all, and any the Laws, Edicts, and Acts by which the Importation of Cloth, or any other Woollen Manufacture, of what kind soever, dyed, or undyed, mill'd, or unmill'd, into *Flanders*, or the other Provinces, hath been prohibited, be revoked and disannull'd; and that if any Right, Tribute, Imposition, Charge or Money, hath been, with permission, or otherwise, put upon Cloaths, or any of the aforesaid Woollen Manufactures so imported (except the anci-

ent Tribute upon every piece of Cloth, and proportionably upon every other Woollen Manufacture, agreeable to the ancient Treaties and Agreements between the then Kings of *England*, and the Dukes of *Burgundy*, and Governours of the Low-Countries) the same should be altogether void. and no such Tribute or Imposition from henceforth imposed, or put upon the said Clothes or Manufactures, for no cause or pretext whatsoever; And that all the *English* Merchants, trading in any of the said Provinces, their Factors, Servants, or Commissioners, should enjoy from henceforward, all the Priviledges, Exemptions, Immunities and Benefits, which formerly have been agreed and given by the aforesaid ancient Treaties and Agreements, between the then Kings of *England*, and the Dukes of *Burgundy*, and Governours of the Low-Countries: It is therefore agreed, That Deputies shall be named by the King of *Great Britain*, who meeting with the Marquess of *Castelrodrigo*, or the Governour of those Provinces for the time being, or any other Ministers of the King of *Spain*, sufficiently authorised in this behalf, shall friendly Treat and Conclude hereupon; and also such further Priviledges, Immunities, and necessary Exemptions, suitable to the present state of Affairs, shall be granted for the encouragement of the said Merchants and Adventurers, and for the security of their Trade and Commerce, as shall be agreed upon in a special Treaty, that shall be made between both the Kings, touching this Particular.

XXI.

The Subjects and Inhabitants of the Kingdoms and Dominions of the Most Serene Kings of *Great Britain* and *Spain* respectively, shall with all security and liberty, Sail to, and Traffick, in all the Kingdoms, Estates, or Countries, which are or shall be in Peace, Amity, or Neutrality with the one or the other.

XXII.

And they shall not be disturbed or disquieted in that liberty, by the Ships or Subjects of the said Kings respectively, by reason of the hostilities which are or may be hereafter between either of the said Kings, and the aforesaid Kingdoms, Countries, and States, or any of them, which shall be in Friendship or Neutrality with the other.

XXIII.

And in case that within the said Ships respectively, be found by the abovesaid means, any Merchandise here under mentioned, being of Contraband, and Prohibited, they shall be taken out and confiscated, before the Admiralty, or other competent Judges; but for this reason, the Ship, and the other free and allowed Commodities which shall be found therein, shall in no wise be either seized or confiscated.

XXIV. More-

XXIV.

Moreover, for better prevention of the differences which might arise touching the meaning of forbidden Merchandise, and of Contraband; It is declared and agreed, That under this name shall be comprehended all Fire-Arms, as Ordnance, Muskets, Mortar-pieces, Petards, Bumbs, Granadoes, Fire-crancels, Fire-balls, Musket-rests, Bandeliers, Gunpowder, Match, Salt-peter, and Bullets; likewise under the name of forbidden Merchandise, are understood all other Arms, as Pikes, Swords, Pots, Helmets, Backs, and Breasts, Halberds, Javelins, and such like Armour; Under this name is likewise forbidden the transportation of Souldiers, Horses, their Harnasses, Cases of Pistols, Holsters, Belts, and other Furniture, formed and composed for the use of War.

XXV.

Likewise, to prevent all manner of dispute and contention, It is agreed, That under that name of forbidden Merchandise, and of Contraband, shall not be comprehended Wheat, Rye, Barley, or other Grains, or Pulse, Salt, Wine, Oyle, and generally whatsoever belongs to the sustaining and nourishing of life, but they shall remain free, as likewise all other Merchandises not comprehended in the preceding Article; and the transportation of them shall be free and permitted, although it be to the Towns and Places of Enemies,

mies, unless such Towns and Places be besieged, blocked up, or surrounded.

XXVI.

It is also agreed, That whatsoever shall be found laden by the Subjects or Inhabitants of the Kingdoms and Dominions of either of the said Kings of *England* and *Spain* aboard the Ships of the Enemies of the other, though it be not forbidden Merchandise, shall be confiscated, with all things else which shall be found within the said Ships without exception or reserve.

XXVII.

That the Consul which hereafter shall reside in any of the Dominions of the King of *Spain*, for the help and protection of the Subjects of the King of *Great Britain*, shall be named by the King of *Great Britain*, and he so named, shall have and exercise the same power and authority in the execution of his charge, as any other Consul hath formerly had in the Dominions of the said King of *Spain*; and in like manner the *Spanish* Consul residing in *England*, shall enjoy as much authority as the Consuls of any other Nation have hitherto enjoyed in that Kingdom.

XXVIII.

And that the Laws of Commerce that are obtained by Peace, may not remain unfruitful, as would fall out if the Subjects of the King of *Great Britain*,
when

when they go to, come from, or remain in the Dominions or Lordships of the King of *Spain*, by reason of their Commerce or other business, should be molested for case of Conscience; therefore that the Commerce be secure, and without danger, as well upon Land as at Sea, the said King of *Spain* shall provide, that the Subjects of the said King of *Great Britain* shall not be agrieved contrary to the Laws of Commerce, and that none of them shall be molested or disturbed for their Conscience, so long as they give no publique scandal or offence; and the said King of *Great Britain* shall likewise provide, for the same reasons, that the Subjects of the King of *Spain* shall not be molested or disturbed for their Conscience against the Laws of Commerce, so long as they give no publique scandal or offence.

XXIX.

That the People and Subjects respectively of one Kingdom, in the Dominions, Territories, Regions or Colonies of the other, shall not be compelled to sell their Merchandise for Brass-metal-Coin, or exchange them for other Coin or things, against their will; or having sold them, to receive the payment in other species, then what they bargained for, notwithstanding any Law or other Custom contrary to this Article.

XXX. That

XXX.

That the Merchants of both Nations, and their Factors, Servants and Families, Commissioners, or others by them employed; as also Masters of Ships, Pilots and Mariners, may remain freely and securely in the said Dominions, Kingdoms and Territories of either of the said Kings, and also in their Ports and Rivers; and the People and Subjects of the one King, may have, and with all freedom and security enjoy, in all the Lands and Dominions whatsoever of the other, their proper Houses to live in, their Ware-houses and Magazins for their Goods and Merchandise, which they shall possess during the time for which they shall have taken, hired, and agreed for them, without any Impediment.

XXXI.

The Inhabitants and Subjects of the said Confederate Kings, in all the Lands and Places under the obedience of the one or the other, shall use and employ those Advocates, Proctors, Scriveners, Agents and Solicitors, whom they think fit, the which shall be left to their choice, and consented to by the Ordinary Judges, as often as there shall be occasion; and they shall not be constrained to shew their Books and Papers of Accompt to any person, if it be not to give evidence for the avoiding Law-suits and Controversies; neither shall they be imbarqued, detained, or taken out of their hands, upon any pretence whatsoever. And

D

it

it shall be permitted to the People and Subjects of either King, in the respective Places where they shall reside, to keep their Books of Accompt, Traffick and Correspondence in what Language they please, in *English, Spanish, Dutch*, or any other, the which shall not be molested, or subject to any Inquisition. And whatsoever else hath been granted by either Party, concerning this particular, to any other Nation, shall be understood likewise to be granted here.

XXXII.

That in case the Estate of any person or persons shall be sequestred or seised on by any Court of Justice or Tribunal whatsoever, within the Kingdoms and Dominions of either Party, and any Estate or Debt happen to lie in the hands of the Delinquents belonging *Bonâ fide* to the People and Subjects of the other, the said Estate or Debts shall not be confiscated by any of the said Tribunals, but shall be restored to the true Owners *in specie*, if they yet remain, and if not, the value of them (according to the Contract and Agreement which was made between the Parties) shall be restored within three moneths after the said sequestration.

XXXIII.

That the Goods and Estates of the People and Subjects of the one King, that shall die in the Countries, Lands and Dominions of the other, shall be preserved
for

for the lawful Heirs and Successors of the deceased ;
the right of any third Person alwayes reserved.

XXXIV.

That the Goods and Estates of the Subjects of the King of *Great Britain*, that shall die without making a Will in the Dominions of the King of *Spain*, shall be put into Inventory with their Papers, Writings, and Books of Accompt, by the Consul or other publique Minister of the King of *Great Britain*, and deposited in the hands of two or three Merchants that shall be named by the said Consul, or publique Minister, to be kept for the Proprietors and Creditors ; and neither the *Cruzada*, nor any other Judicatory whatsoever, shall intermeddle therein ; which also in the like case shall be observed in *England* towards the Subjects of the King of *Spain*.

XXXV.

That a decent and convenient Burial-place shall be granted and appointed to bury the bodies of the Subjects of the King of *Great Britain*, who shall die within the Dominions of the King of *Spain*.

XXXVI.

If it shall happen hereafter that any difference fall out (which God forbid) between the King of *Great Britain*, and the King of *Spain*, whereby the mutual Commerce and good Correspondence may be endan-

gered, the respective Subjects and People of each Party shall have notice thereof given them in time, that is to say, the space of six months, to transport their Merchandise and effects, without giving them in that time any Molestation or trouble, or retaining or embarquing their Goods or Persons.

XXXVII.

All Goods and Rights concealed or embarqued, Moveables, Immoveables, Rents, Deeds, Debts, Credits, and the like, which have not with a formal notice of the cause, and by a legal condemnation, according to the Ordinary Justice been brought into the Royal Exchequer at the time of concluding this Treaty, shall remain at the full and free disposal of the Proprietors, their Heirs, or of those who shall have their Right, with all the Fruits, Rents and Emoluments thereof, and neither those who have concealed the said Goods, nor their Heirs shall be molested for this cause by the Exchequers respectively; but the Proprietors, their Heirs, or those who shall have their Right, shall have for the said Goods and Rights their Action at Law, as for their own proper Goods and Estate.

XXXVIII.

It is agreed and Concluded, That the People and Subjects of the King of *Great Britain*, and of the King of *Spain*, shall have and enjoy in the respective Lands, Seas, Ports, Havens, Roads and Territories of
the

the one or the other, and in all Places whatsoever, the same Priviledges, Securities, Liberties and Immunities, whether they concern their Persons or Trade, with all the beneficial clauses and circumstances which have been granted, or shall be hereafter granted by either of the said Kings, to the Most Christian King, the States General of the United Provinces, the Hans-Towns, or any other Kingdom or State whatsoever, in as full, ample, and beneficial manner, as if the same were particularly mentioned and inserted in this Treaty.

XXXIX.

In case any difference or dispute shall happen on either side concerning these Articles of Trade and Commerce, by either the Officers of the Admiralty or other person whatsoever, in the one or the other Kingdom; The complaint being presented by the party concerned, to their Majesties, or to any of their Council, their said Majesties shall cause the damages forthwith to be repaired, and all things, as they are above agreed, to be duly executed; and in case, that in progress of time any frauds or inconveniencies be discovered in the Navigation and Commerce between both Kingdoms, against which sufficient prevention hath not been made in these Articles, other provisions may be hereafter mutually agreed on, as shall be judged convenient, the present Treaty remaining still in full force and vigour.

XL.

It is likewise accorded and concluded, That the Most Serene and Renowned Kings of *Great Britain* and *Spain* shall sincerely, and faithfully observe and keep, and procure to be observed and kept, by their Subjects and Inhabitants respectively, all and singular the Capitulations in this present Treaty agreed and concluded: Neither shall they directly or indirectly infringe the same, or consent that the same shall be infringed by any of their Subjects or Inhabitants. And they shall ratifie and confirm all and singular the Conventions before accorded by Letters Patents reciprocally, in sufficient, full and effectual form, and the same so formed and made, shall interchangeably deliver, or cause to be delivered faithfully and really, within four months after the date of these presents; and they shall then, as soon as conveniently may be, cause this present Treaty of Peace and Amity to be published in all Places, and in the manner accustomed.

Dated at *Madrid*, the $\frac{13}{23}$ day of *May*, in the Year of our Lord, 1667.

The

*The Form of Letters which ought to be given
by the Towns and Sea-Ports, to the Ships and
Vessels setting sail from thence.*



TO all unto whom these Presents shall come ; We the Governours, Consuls, or chief Magistrate or Commissioners of the Customs, of the City, Town or Province of N. do testifie and make known, That N. N. Master of the Ship N. hath before Us, under solemn Oath declared, That the Ship N. of Tun (more or less) of which he is at present Master, doth belong to the Inhabitants of N. in the Dominions of the Most Serene King of *Great Britain*. And We, desiring that the said Master may be assisted in his Voyage and Business, do intreat all persons in general and particular, who shall meet him, and those of all Places where the said Master shall come with the said Ship and her
Mer.

Merchandise, that they would admit him favourably, treat him kindly, and receive the said Ship into their Ports, Bayes, Havens, Rivers and Dominions, permitting her quietly to sail, pass, frequent, and Negotiate there, or in any other places, as shall seem good to the said Master, paying still the Toll and Customs which of right shall be due. Which we will acknowledge gratefully upon the like occasions. In witness whereof, we have signed these Presents, and sealed them with the Seal of our Town.

WILL. GODOLPHIN.

Don PEDRO FERNANDEZ
del Campo y Angulo.

The